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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,603	07/11/2003	Jean-Marie R. Dautelle	RTN-170AUS	2952

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EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,603

Applicant(s)

DAUTELLE, JEAN-MARIE R.

Examiner

Kim Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/11/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1 sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The preliminary amendment filed 10/24/03 to renumber the claims is acknowledged and entered. Claims 1-43 are pending.

Applicant is reminded to update copending application referred to in page 8 with appropriate US application/patent number.

Claim Rejections - 35 USC § 101 and 112

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because claim 1 as recited is directed to non-statutory subject matter, functional descriptive material (a computer program per se, wherein the coding/instructions can be done on a piece of paper, not necessarily implemented on a computer.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, the recitation "A method of storing and commands" is not descriptive. It is unclear what applicant intends to mean by this recitation.

Correction/clarification required.

To expedite a complete examination of the instant application, the claims rejected under 35 USC 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejections above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Burt et al. (US 5,649,032).

Claims 1, 23 and 37, Burt discloses a method and computer program for storing commands in a recording and playback system having steps of recording a first set of commands (image inputs being a sequence of video frames, col. 1, ll. 51-53) to a command queue (700, storing new capture image sequence, see Fig. 13, 1304-1306) to provide a first dynamic snapshot (first dynamic mosaic, col. 5, ll. 48-56) in a first system stage, storing the first snapshot at the first time (to mosaic buffer), recording and storing

additional sets of commands to the command queue wherein the commands are spaced in time from storing the first set of commands (Figs. 2A-C, 3-6 and Fig. 13), eliminate one of overriding, redundant and superfluous commands in the queue, and storing the second snapshot at a second time (col. 6, ll. 18-25).

Burt discloses a system (Fig. 12) for storing commands including a recording proxy 102 intercepting the commands (image inputs) to be stored (in storage system 812), a dynamic snapshot generator (dynamic mosaic generating 301) for generating dynamic snapshots (dynamic mosaic) correspond to the respective sets of commands (image inputs) and a command interface 802 coupled to the recording proxy 1401 and a storage module 812 for storing the commands and snapshots.

Claim 9, Burt discloses the commands include two dimensional display command associated with scene graph and graphical display (see Figs. 2A-C and 9 and col. 18, l. 65 to col. 19, l. 9 and col. 19, ll. 23-33).

Claim 10, Burt discloses the system is for use in various application including surveillance system in aerial photographs, airline display system and motion detection on battlefield, i.e. air traffic control display (col. 4, ll. 23-36, col. 5, ll. 9-11 and col. 6, ll. 46-60)

Claims 11-13, Burt discloses the commands stored in a solid state memory of non-volatile memory (col. 14, ll. 53-59).

Claims 14 and 30, Burt discloses the steps of receiving a time of interest between first and second time, retrieving the first dynamic snapshot, retrieving additional commands recorded at or before the time of interest and appending the

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command to the first dynamic snap shot to provide an intermediate dynamic snapshot and interpreting the command (generating graphical display) associated with the intermediate snapshot (col. 13, ll. 1-48 and col. 14, ll. 21-51).

Claims 19 and 35, Burt discloses retrieving the first dynamic snapshot, interpreting the first snapshot (generating a display), retrieving the additional commands recorded at or before time of interested and interpreting (generating graphical display) of the additional display commands (col. 13, ll. 1-48 and col. 14, ll. 21-51).

Claims 15-18, 20-22, 24-29 31-34, 36, 39-40 repeat the limitations of claims 9-13 and are rejected accordingly.

Claims 41-43, Burt discloses the dynamic snapshots generator includes: command queue 700 having a stack portion for recording the commands (images are accumulated/stacked to generate the panorama of images, see Fig. 13, 1300), snapshot portion 102 for recording the commands associated with the system state, and a processor 704 to combine the commands in the command queue to eliminate one of overriding, redundant and superfluous commands in the queue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being obvious over Burt.

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Burt discloses all the limitations of claim 1 above, except specifying the first and second intervals to the various values as claimed. However, since Burt discloses the mosaic display control system is constructed using various construction sequences (batch, recursive, hierarchical) each using different time base system (see Fig. 2A-C). Burt also discloses the construction of snapshot (coarse to fine image alignment process) can be selected based on user defined functions for desired resolution/pixel is obtained (col. 10, l. 23 to col. 12, l. 14). It would have been obvious to one having ordinary skill in the art to realize that the value of the first and second intervals of the system of Burt can be varied depending on the parameters selected by the users in order to best produce a seamless mosaic (col. 4, ll. 37-48).

Furthermore, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art as a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crinon et al. (US 6,205,260), Ishirara (US 6,272,568) and Dufaux (US 5,943,445) disclose various systems for recording/encoding data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kim Huynh', with a long horizontal line extending to the right.

Kim Huynh
Primary Examiner
Art Unit 2182

KH
4/13/05